



PATENT
P56378

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ALBERTO GONZALO PEREZ ROLDAN

Serial No.: 09/925,431

Examiner: MEDLEY, MARGARET

Filed: 10 August 2001

Art Unit: 1714

For: A TRANSPARENT ELASTIC AND FREESTANDING COMPOUND SUCH AS
FOR THE MANUFACTURE OF CANDLES AND THE FREE STANDING
CANDLE OBTAINED WITH THE COMPOUND

PETITION UNDER 37 C.F.R. §1.102

Commissioner Patents
Washington, D.C. 20231
Attn.: OFFICE OF SPECIAL PROGRAMS

Sir:

Applicant respectfully petitions the Commissioner to designate the above-referenced application as "Special" in accordance with the *Manual of Patent Examining Procedure* (MPEP) §708.02 (I), and as reason therefore states that:

04/28/2003 MGE BREM1 00000016 09925431

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130.00 DP

Folio: P56378
Date: 4/25/03
I.D.: REB/wc/kf/rfc

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STATEMENT OF FACTS

1. The present application is assigned by the Applicant to Gabriel Sergio Gutbezahel in an instrument that was recorded in the U.S. Patent & Trademark Office on Reel 012133, at Frame 0630 on the 31st day of August 2001, having the principal place of business at the primary business in Buenos Aires, Argentina, which is a manufacturer of sufficient presently available capital (approximately \$50,000.00) and facilities, have long established relations with vendors and contract to manufacture the present invention in quantity if a patent is granted on the present application.
2. The Applicant has worked to develop and design prototypes of several constituent components for embodiments of the invention claimed; over the past 5 years. Gabriel Sergio Gutbezahel has spent about \$90,000.00 for wages, facilities, parts and materials, insurance and taxes, to research the invention claimed and to design, develop and build prototypes of the several constituent elements useful in the practice of the invention as claimed.
3. Gabriel Sergio Gutbezahel will not manufacture unless he is certain that a United States patent will be granted on the present application.
4. Gabriel Sergio Gutbezahel obligates himself to manufacture the invention in the United States in quantity immediately upon the allowance of claims or issuance of a patent which will protect the investment of capital and facilities.
5. Applicant has made a careful and thorough search of the prior art, as evidenced

by the Information Disclosure Statement filed on 10 December 2002, and has today filed a Letter to Examiner to explain a discrepancy in the Information Disclosure Statement.

REMARKS

Pursuant to 37 C.F.R. § 1.102, as explained in § 708.02 of the *Manual of Patent Examining Procedure*, 8th Ed., August 2001, Applicant is entitled to have this application made special, by demonstrating the existence of a manufacturer which is to manufacture the present invention in quantity if a patent is granted.

As is explained in the above "STATEMENT OF FACTS," Applicant and Gabriel Sergio Gutbezahl have substantially completed the design, development and prototyping of a system capable of practicing the invention defined by the pending claims. It is necessary for Applicant and Gabriel Sergio Gutbezahl to advance the prosecution and examination of their above-captioned U.S. patent application, without further delay in the U.S. PTO process, in view of the Applicant's and Gabriel Sergio Gutbezahl's commitment to the manufacture of embodiments, in quantity, of the claimed invention.

A fee of \$130.00 is incurred by 37 C.F.R. § 1.17(h). Applicant's check drawn to the order of Commissioner accompanies this Amendment. Should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

RELIEF REQUESTED

The Commissioner is therefore, respectfully requested to:

A. Grant this Petition and designate the accompanying application as "Special", and accelerate the examination of the accompanying application;

B. Grant such other and further relief as justice may require.

Respectfully Submitted



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Folio: P56378
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